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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,835	07/26/2001	Thomas J. Wielenga	60,472-003	7214

7590 03/09/2004

William H. Honaker  
HOWARD & HOWARD ATTORNEYS, P.C.  
39400 Woodward Avenue, Suite 101  
Bloomfield Hills, MI 48304-2856

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,835

Applicant(s)

WIELENGA, THOMAS J.

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-16, 24-28, 30-33 and 45-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 6, 12-16, 24-28, 45-48 and 53-55 is/are allowed.
- 6) ☒ Claim(s) 8-11, 30-33, 49-52 and 56-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 9, 30, 31, 49, 50, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye (6,105,705) in view of Tozu, et al (5,927,830) and further in view of Dai (4,934,477).

Faye teaches a system for use with a motor vehicle having at least one front wheel and at least one rear wheel having a brake system 14 for applying pressure to resist the rotation of the at least one front wheel and/or the at least one rear wheel; a sensor for detecting an occurrence of a collision and/or a loss of control event of the motor vehicle and producing a loss of control signal; and a controller 10. The collision is a non-rear end collision. The controller controls the brake system to apply pressure to one of all of the front wheels, one of the front wheels, and all of the front wheels and all of the rear wheels in response to receiving the loss of control signal. The sensor is an accelerometer (see Col. 3, lines 35-37). The sensor is included in an airbag system (see Col. 3, lines 50-52). The airbag system is an energy absorbing structure. Faye in view of Tozu, et al teaches the claimed invention except for reducing a power output of the engine. Dai teaches a microprocessor 100 which functions to restrict the fuel supply, reducing a power output of the engine (see Col. 3, lines 65-68). Based on the teachings of Dai, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Faye and Tozu, et al to reduce a power output of the engine to facilitate deceleration of a vehicle upon crashing.

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3. Claims 8-11, 30-33, 49-52 and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye (6,105,705) in view of Tozu, et al (5,927,830) and further in view of Doi (5,805,103).

Faye teaches a system for use with a motor vehicle having at least one front wheel and at least one rear wheel having a brake system 14 for applying pressure to resist the rotation of the at least one front wheel and/or the at least one rear wheel; a sensor for detecting an occurrence of a collision and/or a loss of control event of the motor vehicle and producing a loss of control signal; and a controller 10. The collision is a non-rear end collision. The controller controls the brake system to apply pressure to one of all of the front wheels, one of the front wheels, and all of the front wheels and all of the rear wheels in response to receiving the loss of control signal. The sensor is an accelerometer (see Col. 3, lines 35-37). The sensor is included in an airbag system (see Col. 3, lines 50-52). The airbag system is an energy absorbing structure. Faye in view of Tozu, et al teaches the claimed invention except for reducing a power output of the engine. Doi teaches a control unit U having a cruise control function and is capable of controlling an engine output control means 6 (see Col. 4, lines 40-46). Based on the teachings of Doi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Faye and Tozu, et al to reduce a power output of the engine to facilitate deceleration of a vehicle upon crashing.

***Allowable Subject Matter***

4. Claims 1-3, 5, 6, 12-16, 24-28, 45-48 and 53-55 are allowed.

***Response to Arguments***

5. Applicant's arguments filed December 18, 2003 have been fully considered but they are not persuasive. The applicant argues the prior art "only detects a collision", the examiner notes that a collision is a result in an abrupt change of momentum or exchange of energy therefore the term collision does not preclude a loss of control. Further, the references clearly teaches the claimed structure.

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**Conclusion**


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
3/8/04

Faye Fleming  
Examiner  
Art Unit 3616

  
6/3/08/04